

1 MR. LYNCH: February, I believe, of 1990.

2 JUDGE SIPPEL: February of 1990.

3 MR. LYNCH: What I have together on that is,
4 I still have the file with original notes that I put
5 down on that.

6 JUDGE SIPPEL: Well, do you have a copy of
7 the flier of what the conference was about?

8 MR. LYNCH: What I have is the notes. There
9 was a packet of information and, and as they went
10 through item, by item, by item, I made a number of
11 different, you know, notations on the whole thing. And
12 some of them I brought back.

13 One, for example, is the checklist of all
14 things to have a legal public file, that I gave to my
15 receptionist. She wrote in her own handwriting, "Yes,
16 it's on file. Yes, it's on file."

17 I will submit that paperwork. Plus, it was
18 at the Syracuse Marriott Hotel, and there are some
19 notes I made their -- on some notepaper with their, you
20 know, name on it, to prove that I was there.

21 And last, but not least, I took some pictures
22 yesterday of a fence that I put around my AM
23 transmitter out back to the radio station. What I
24 found through that conference was that, unbeknownst to
25 me, we were, like, two feet too short, or two or three

1 feet too close to the base of the antenna for AM size
2 standards.

3 JUDGE SIPPEL: How many pages are you talking
4 about?

5 MR. LYNCH: It might be a total of ten in the
6 entire exhibit.

7 JUDGE SIPPEL: Well, all right. That will be
8 your exhibit. We'll take a look at it.

9 Item seven, we've already talked about those
10 letters, right? I mean you've given the distinction to
11 us about letters. I take it that that ties in again
12 with what you talked about in paragraph three.

13 MR. LYNCH: Yes, Your Honor. It's a totally
14 separate exhibit. It stands alone.

15 JUDGE SIPPEL: All right. And you know what
16 Mr. Tillotson's position is on that.

17 MR. LYNCH: (No response.)

18 JUDGE SIPPEL: Do you understand?

19 MR. LYNCH: I'm sorry. A truck just went by.

20 JUDGE SIPPEL: Do you understand what Mr.
21 Tillotson's position is going to be with respect to
22 your using letters?

23 MR. LYNCH: Not fully, Your Honor.

24 JUDGE SIPPEL: Well, let me paraphrase it,
25 and let him say whether or not he adopts my

1 recollection or not. Mr. Tillotson is saying that he's
2 going to object strenuously to my receiving letters
3 into evidence without their being some representative
4 sampling of persons who have written those letters, or
5 of persons who know about matters that are in those
6 letters, who will come and testify, and say, yes, those
7 substantially are true and accurate, to the best of my
8 knowledge and information.

9 MR. LYNCH: For every single one of the
10 letters?

11 JUDGE SIPPEL: No. He didn't say that, for
12 every single one.

13 MR. LYNCH: A representative number of
14 people.

15 JUDGE SIPPEL: Yes. A representative number.
16 And that's always, you know, that's arguable. He's
17 talking about certainly more than one, and something
18 less than ten. I think he used the number five, four
19 or five, something like that.

20 MR. LYNCH: I will have between 12 and 18
21 sworn statements.

22 JUDGE SIPPEL: No. That's not the same
23 thing. I'm talking about live people who will be here
24 in the courtroom, who will get on the stand, and who
25 will testify without equivocation.

1 MR. LYNCH: Okay. I would then move that the
2 site of the trial for that portion of it, given that
3 I've got mayors, Congressmen, and supervisors, be moved
4 to a site in Glens Falls.

5 JUDGE SIPPEL: Well, you'll have to file a
6 motion with the chief judge for that. I don't have a
7 jurisdiction over that issue at all. But I can tell
8 you this, that the case has been set to be tried here
9 in Washington, D.C. I would expect that, based on past
10 experience with the Des Moines renewal case that I'm
11 trying, that your request will be denied. And I
12 believe that the Bureau will probably oppose it in this
13 process.

14 There are budgetary considerations in this
15 agency as well. And I add very quickly, we're not
16 requiring that you bring -- or Mr. Tillotson -- this is
17 not my requirement -- Mr. Tillotson is not insisting
18 upon a witness for each letter.

19 All he's saying is some representative
20 sampling from the community, so that he's satisfied
21 that this is not something, that these letters are not
22 just some kind of a put up deal to accommodate you.
23 That's where we are now.

24 Now, where I'm going to come out on this, I
25 don't know. I'll have to see the letters. I'll have

1 to hear argument. Maybe some I'll take, some I won't.
2 Maybe I won't take any. I don't know yet. I want to
3 hear what the Bureau has to say, obviously, with
4 respect to the use of that evidence.

5 I don't mean to be monopolizing this
6 microphone here. Does the Bureau -- do you want to
7 interject anything at this time, Ms. Laden?

8 MS. LADEN: Not at this point. I do have
9 something that I want to talk about. But I'll wait.

10 JUDGE SIPPEL: Okay. Thank you. Thank you.
11 I want to be sure everybody gets heard, but I don't
12 want to take up peoples' time that we don't need to
13 take up.

14 All right. Well, that's the law of the case.
15 As I said, if you're going to seek to have any of this
16 aspect of this case moved to Glens Falls, it's out of
17 jurisdiction. You're going to have to file a motion
18 with the chief judge, the chief judge, who is Joseph
19 Stirmer, S-t-i-r-m-e-r.

20 But as I say, you're pretty late in the case
21 to be doing that. And based on a prior case, in which
22 there was a strenuous effort to have portions of the
23 trial transferred to Des Moines, Iowa, that was turned
24 down.

25 Now, the last item of business on your

1 proffer is the literally thousands of pages on file
2 with regards to Skidelsky. Now, I'll tell you right
3 here, just based on reading, that there are not going
4 to be thousands of pages of Skidelsky being received
5 into evidence in this case. In fact, I won't even have
6 them marked as exhibits in this case.

7 So having said that, what more can you tell
8 me about what you intend to do with paragraph eight
9 material?

10 MR. LYNCH: As I understand it, to lose my
11 license I would have to do intentionally something
12 wrong. And, again, as to motive, and in any of these
13 things, that there's yet to be one word as far as my
14 motive in either botching up a site, or, you know, why
15 I would put a threshold together for the sheer purpose
16 of lying, or why I withhold one document out of
17 hundreds. There's -- you know, there is no motive.
18 There couldn't conceivably be a motive.

19 Secondly, intent to do something that
20 would cause me to lose my license, I would have to be
21 aware of what I was doing. I would have to be
22 culpable. It would have to be something where I
23 intended to deceive the Commission. And, again,
24 nowhere in hundreds or thousands of pages is there one
25 iota of evidence that anything at all that I ever did,

1 you know, had any intent on it.

2 There were clerical errors or
3 misunderstandings of FCC rules perhaps, or whatever.
4 But in no way, shape, or form has anybody ever
5 intimidated that I intended to deceive the Commission.

6 JUDGE SIPPEL: All right. I hear what you're
7 saying, but let me tell you what the rule of this case
8 is going to be. You can raise that point as a matter
9 of law on any appeal. You can make that argument as a
10 matter of law in connection with your closing arguments
11 in this case, or your opening arguments in this case,
12 when we actually go to hearing in September.

13 But there's not going to be any evidence
14 received with respect to the Skidelsky findings, the
15 litigation of that case, or the findings of that case.
16 That's what the whole principle of collateral estoppel
17 is about.

18 Now, if you can convince some reviewing
19 authority that there was clear and blatant error with
20 respect to how that collateral estoppel principle was
21 applied to you, for the reasons that you're stating
22 here and now, if you can convince some reviewing
23 authority that you're right, and I'm wrong, then fine,
24 you do that.

25 But as far as how this case is going to be

1 managed and how it's going to be handled, it is not
2 going to go into Skidelsky evidence. So anything that
3 you are going to do with respect to paragraph eight,
4 you can make a proffer of it. I think you understand
5 now what the principle of the proffer is.

6 I mean you can make a written or an oral
7 representation that if you were given the opportunity
8 to do it, you would show "A", "B", and "C" with respect
9 to intent, malice, or whatever you want to say of Mr.
10 Skidelsky, by virtue of, and then you describe the
11 kinds of evidence that you would look to.

12 And that will be in the record, and it will
13 go up with this case on appeal. So my point is, do not
14 spend a lot of time trying to put together a Skidelsky
15 record.

16 If you want to make this proffer, you can
17 make that proffer in writing by July 24th. If the
18 Bureau or Mr. Tillotson wishes to respond to it, they
19 can respond by July 31st. And I will rule on your
20 proffer formally on the record on August 4th.

21 You have that option. I will get that out in
22 the form of an order this afternoon or tomorrow.
23 Hopefully, it will be clear enough so that you
24 understand exactly what I'm saying.

25 But I want you to go away from this

1 conversation, or this discussion, with the general
2 understanding that I will not accept any evidence that
3 attempts to attack what the findings of Judge Coleman
4 were in the Skidelsky case.

5 MR. LYNCH: I would not try to attack Judge
6 Coleman's findings, but to exculpate myself, I have to
7 be able to refer to them.

8 JUDGE SIPPEL: Well, you can -- as I said,
9 you can make that argument. You can make that
10 argument. But I would suggest that you keep that
11 argument very brief.

12 MR. LYNCH: I already made that argument
13 responding to -- the responses to my proffer of
14 evidence. And the argument stands. I can't understand
15 how it can -- they invite me to exculpate myself. As
16 far as I can understand exculpatory evidence, I would
17 have to refer to the findings, at least from Judge
18 Coleman's findings.

19 JUDGE SIPPEL: Again, I'm trying to go all
20 the way down the road with you on this intellectually,
21 but I'm saying that, yes, if you -- there are certain
22 items of evidence that would be -- assume that there
23 will be certain items of evidence that is in your
24 proffer, okay, up to paragraph seven.

25 Assume, for purposes of this discussion, that

1 some or much of that evidence is received, and it's
2 received by me on the basis of it being exculpatory in
3 the broad sense of that term, whether it's mitigating,
4 but in other words, it will be received in that
5 category.

6 You certainly then can take that evidence,
7 and you can argue that evidence in terms of the
8 findings of Skidelsky, that would be, for example, in
9 Judge Coleman's opinion. And you could say that that
10 finding in Judge Coleman's opinion, or Judge Coleman's
11 specific finding in that should be taken -- in looking
12 at that I should also take into account this
13 "exculpatory evidence that came into evidence in this
14 case."

15 But that's a whole different -- I don't --
16 that's a whole different procedure and intellectual
17 exercise than what I think you're suggesting in your
18 paragraph eight, which involves literally thousands of
19 pages.

20 MR. LYNCH: I would only -- in my mind I was
21 going to reference thousands of pages. And nobody, Mr.
22 Tillotson included, can sit here and say, this is, you
23 know, evidence that he intended to deceive the
24 Commission, because there is no evidence. Because I
25 didn't.

1 I would reference the thousands of pages. I
2 don't know if he's willing to stipulate those two
3 points. That could save us all a lot of time.

4 JUDGE SIPPEL: The points being what? I mean
5 I can't believe he's going to stipulate to stipulating
6 the case out. What are you talking about stipulating?
7 What issue are you talking about stipulating? What
8 ultimate fact or point are you trying to stipulate to?

9 MR. LYNCH: The ultimate fact is, one,
10 there's no evidence whatsoever anywhere that I
11 intentionally tried to deceive the FCC at any juncture
12 in this whole thing.

13 JUDGE SIPPEL: Mr. Tillotson?

14 MR. LYNCH: That would be one stipulation.
15 And secondarily, that at no point in this time would
16 there have been any motive for me to try to do this, as
17 the leading candidate through the superior integration
18 and experience.

19 And my motivation honestly was only to be as
20 dead accurate as humanly possible, and to get the
21 facility that we were looking to gain in Skidelsky, et
22 al., but there's no evidence whatsoever as far as any
23 motive in this entire thing either.

24 JUDGE SIPPEL: Mr. Tillotson?

25 MR. TILLOTSON: I think that Judge Coleman's

1 decision speaks for itself, Your Honor. I'd argue the
2 legal points at the Review Board.

3 JUDGE SIPPEL: That's where we are.

4 MS. LADEN: Your Honor, could I address that
5 point, also?

6 JUDGE SIPPEL: Yes, Ms. Laden

7 MS. LADEN: In our comments on Brandt's
8 motion for a summary decision, we made it clear, our
9 analysis of the Ocean Pines case, which was cited by
10 the Review Board, when it set forth the scope of this
11 issue here, in Ocean Pines the only exculpatory
12 evidence that was allowed was additional exculpatory
13 evidence that had not been presented in the previous
14 case.

15 It's not exculpatory evidence that was part
16 of the previous case or could have been presented in
17 the previous case. We would object to that kind of
18 evidence.

19 Mr. Lynch should have the opportunity to come
20 in with any additional evidence that may have surfaced
21 since then, new evidence, and evidence of mitigation.
22 But our position has been, and will continue to be, and
23 we'll object to any evidence whatsoever, or any
24 reference to Skidelsky on the findings of fact.

25 The findings of fact made by Judge Coleman in

1 Skidelsky are final. They are set. They cannot be
2 overturned, except on appeal of this cases, as the
3 Review Board has made very clear.

4 The only issue here is the effect of those
5 findings, which are set on Mr. Lynch's qualifications
6 here, merely the effect. And we will object to any
7 attempt to bring in any evidence, however indirectly,
8 or calling it exculpatory, or talking about motive. I
9 think that this is exactly what the Review Board wanted
10 to prevent in this case.

11 MR. LYNCH: I believe they specifically asked
12 for exculpatory and/or mitigating evidence. And,
13 again, you cannot have exculpatory evidence without
14 referring to what lays on guilt in the first place.

15 JUDGE SIPPEL: Well, as I said, I hear
16 exactly what Ms. Laden is saying. I don't disagree
17 with anything that she said. I'm trying to make this
18 as clear as I can to you and to everybody here on the
19 record, that there is no way that I am going to
20 consider evidence that is designed to attack or to
21 upset the findings that were made by Judge Coleman in
22 Skidelsky. That is what collateral estoppel is all
23 about. That is written in granite.

24 What you're being permitted to do is to, and
25 I think Ms. Laden has laid it out very succinctly, that

1 you can bring in additional exculpatory evidence that
2 is evidence which was not considered in the Skidelsky
3 case, which would be evidence to show whatever
4 inferences of your character and what not that could be
5 drawn, your capabilities, your intentions with respect
6 to how you are going to handle yourself, or handling
7 yourself as a broadcaster, and whether or not, weighing
8 that, in conjunction with the findings in Skidelsky,
9 what should be the disposition of your renewal
10 application in this case.

11 But what you're saying in paragraph eight is
12 you're talking about literally thousands of pages of a
13 file with regards to Skidelsky, which means to me that
14 you're talking about going back into the Skidelsky
15 record, and trying to disprove intent, or whatever
16 you're outlining here, motive, with respect to those
17 Skidelsky findings.

18 Now, if that's what you have in mind, and I'm
19 assuming that that's what you're trying to tell me you
20 do have in mind, that's not going to be permitted. I'm
21 not going to take any evidence on that.

22 MR. LYNCH: Perhaps if I changed my paragraph
23 eight to -- what I am saying right now that I would put
24 in very simply would be, you know, forgetting the
25 thousands of pages, basically looking at Judge

1 Coleman's decision, initial decision, I do not believe
2 he addressed motive in any way, shape, or form. I do
3 not believe he addressed deliberacy in any way, shape,
4 or form. If I narrowed my number eight to focus on
5 those two points --

6 JUDGE SIPPEL: Well, if you want to argue the
7 law, as I say, your legal arguments, in terms of
8 preserving the record, with respect to how Skidelsky
9 should be viewed by me, you know, you can do that in
10 your findings, proposed findings. But really what
11 you're doing is presenting that for purposes of review
12 to the Review Board.

13 MR. LYNCH: I'm sorry. I couldn't hear that
14 last part, Your Honor.

15 JUDGE SIPPEL: I said that you're
16 articulating that -- that articulating your legal
17 theories with respect to how the findings of Skidelsky
18 should be applied in this case can certainly be made in
19 your proposed findings, and would go up with the record
20 to the Review Board. And the Review Board would be the
21 ultimate decider as to whether or not the principles
22 are being applied properly.

23 But I'm telling you in terms of how I'm going
24 to manage this case, because I'm not going to sit here
25 and have thousands of pages marked as exhibits even

1 proffered into this record. I'm not going to permit
2 that to happen.

3 MR. LYNCH: Okay.

4 JUDGE SIPPEL: What I'm saying I will let you
5 do, if you want to make a written proffer with respect
6 to what you have in mind, and I will let you do that by
7 July 24th, because we're talking -- again, what we're
8 doing here is we're talking about a concept which
9 is -- I think it is well pinned down in other -- in
10 what the Review Board has written, but I'm going to
11 give you an opportunity to focus specifically on it, in
12 terms of you can show by way of a proffer what it is
13 that you would show if you were permitted to show on
14 how Skidelsky should impact you in this case.

15 MR. LYNCH: I would propose, to simplify
16 things, to eliminate paragraph number eight in my
17 proffer. And I will reply by July 24th as you just told
18 me.

19 JUDGE SIPPEL: Well, you're not obligated to
20 do that.

21 MR. LYNCH: Oh, no. I very much want to.

22 JUDGE SIPPEL: I simply say that --

23 MR. LYNCH: It's a very interesting decision,
24 and --

25 JUDGE SIPPEL: Well, you can make -- what I'm

1 permitting you to do is to make your record. That's
2 what I'm permitting you to do. So that if you, or if
3 you're assisted by counsel, go up to the Review Board,
4 you can say, "Well, here's what I told Judge Sippel I
5 was going to do, and he said I couldn't do it. So he's
6 wrong."

7 I'm paraphrasing, but I'm saying that that's
8 what the benefit of that opportunity would be to you.
9 If you do file by July 24th, Mr. Tillotson, the Bureau
10 would have an opportunity to comment or to oppose by
11 July 31st. And I will rule on the record on August
12 4th.

13 MR. TILLOTSON: Your Honor, my silence on
14 whatever he proffers should not be considered consent.
15 I'm going to be on vacation, and I'm not going to ask
16 for additional time, because I think your rulings and
17 your discussion of the issue has really covered the
18 legal aspects. So I will not be filing any comments.
19 I'm going to be out of town.

20 JUDGE SIPPEL: All right.

21 MS. LADEN: Your Honor, we will be here. But
22 I don't think we'll be filing any comments. I think he
23 has the right to make his proffer. We will make our
24 objections to any evidence that exceeds the scope of
25 the Review Board's decision --

1 JUDGE SIPPEL: All right.

2 MS. LADEN: -- at the time of the admission
3 session.

4 JUDGE SIPPEL: All right. That's fine. But
5 this helps me, because I am obviously -- my greatest
6 difficulty, Mr. Lynch, is in dealing with you as a lay
7 person, because I have difficulty understanding in my
8 mind, as we're going down these point by point by point
9 exactly where these issues are in your own mind. And
10 by putting this in an proffer form, I will better
11 understand how these concepts are set in your own mind
12 vis-a-vis the evidence in this case and what we have to
13 do to get this case to trial.

14 So there you have the option. You can file
15 or not file, but if you do file, file by July 24th.
16 And you're not going to get any opposition or comments.
17 So look at it that way.

18 MR. LYNCH: That's refreshing, Your Honor.

19 JUDGE SIPPEL: All right. But there will be
20 a lot of argument on it perhaps on August 4th.

21 MR. LYNCH: I appreciate that, Your Honor.

22 JUDGE SIPPEL: The other item I have on my
23 agenda is discovery. I've already covered that with
24 you. I am granting the request for an extension of the
25 discovery period, that was filed by Mr. Brandt, up

1 until July 27th.

2 There are items three and four that we
3 discussed previously at some length, that are going to
4 be taken care of as we've discussed. You're going to
5 get documents to Mr. Tillotson in the next few days.

6 Does anybody else have anything more that
7 they want to talk about?

8 MS. LADEN: I do, Your Honor.

9 JUDGE SIPPEL: Ms. Laden?

10 MS. LADEN: First of all I wanted to get a
11 fax number from Mr. Lynch. Also I wanted to -- we
12 opposed, as you know, the motion for extension of time.
13 What happened was that Mr. Lynch's extension was
14 granted, and the time for the Bureau and Brandt to do
15 its notification and prepare for the hearing was
16 shortened. It's very difficult for us to go through
17 all the exhibits and prepare a notification in the
18 short period of time that we had.

19 What happens most often with this short of
20 period is that we have to notice all the witnesses,
21 without any real analysis of the exhibits, and it just
22 complicates things unnecessarily.

23 But having said that, there's nothing we can
24 do at that point. But I would like to have a fax
25 number so that we could fax our witness notification to

1 Mr. Lunch, and also, Your Honor, I think you made that
2 clear earlier, I wanted Your Honor to know that we will
3 object to any exhibits that we have not received by the
4 16th in hand.

5 We will object to the introduction of any
6 such exhibits, because there simply is not enough time
7 for us to be -- to allow any slippage at this point.
8 We simply can't do it, because we don't have enough
9 time to go through them.

10 JUDGE SIPPEL: All right. That's clear
11 enough. Do you have a fax number? Let's get the fax
12 number fast.

13 MR. LYNCH: Okay. My fax number is
14 518-792-3374.

15 JUDGE SIPPEL: All right. And the second
16 comment with respect to giving you that extension, the
17 one-week extension, I moved it from July 9th to July
18 16th, and the notification is July 21st.

19 MS. LADEN: Yes, Your Honor. There's an
20 intervening weekend. I think it's only one or two
21 business days, in fact.

22 MR. TILLOTSON: Is there any reason why we
23 couldn't extend that, at least to say the end of the
24 next week, the 24th?

25 JUDGE SIPPEL: Well, I don't have any --

1 MR. TILLOTSON: Because I think it certainly
2 would make it a little easier for everyone.

3 JUDGE SIPPEL: That cuts down on the
4 opposition time, but I have no problem with doing that.
5 I have no problem with doing that. Would that help --
6 would that be of assistance to the Bureau?

7 MS. LADEN: Yes. That would help. But as
8 Your Honor pointed out, it cuts down on the opposition
9 time for the licensee.

10 JUDGE SIPPEL: Well, we can move that one
11 day, to the 28th. Is that better than it is now?

12 MS. LADEN: To have the notification on the
13 24th?

14 JUDGE SIPPEL: Then the 28th for oppositions.

15 MS. LADEN: That's much better than it is
16 now.

17 JUDGE SIPPEL: Okay. Do you hear me, Mr.
18 Lynch?

19 MR. LYNCH: Vaguely. I'm sorry. What's on
20 the 24th versus the 28th?

21 JUDGE SIPPEL: All right.

22 MR. LYNCH: Notification of witnesses, right?

23 JUDGE SIPPEL: That's right. That's right.
24 The first date we're going to change is the July 21st
25 date. That's for the notification of witnesses for

1 cross examination. I'm changing that to the 24th.
2 Okay?

3 MR. LYNCH: And my reply date to the 28th, I
4 believe.

5 JUDGE SIPPEL: That's going to be the 28th.
6 That's correct.

7 MR. LYNCH: Okay. Understood. I have no
8 objection to that.

9 JUDGE SIPPEL: All right. Then that's done.
10 That's done. Okay. Those were two points that Ms.
11 Laden made. Was there a third point? Did I cut you
12 off?

13 MS. LADEN: I just had one more thing. I
14 wanted everyone to know that the Bureau does not have
15 any exhibits. So we will not be exchanging any
16 exhibits.

17 JUDGE SIPPEL: All right. So it's between
18 you, and Mr. Tillotson, and Air Express, or whatever it
19 is that you all use. And, again, I want to be sure
20 that you understand what my situation is. The critical
21 exchange is with respect to getting your documents on
22 Thursday to the Bureau and to Mr. Tillotson on the
23 time --

24 MR. LYNCH: It will be done.

25 JUDGE SIPPEL: -- that I've indicated. You

1 can get --

2 MR. LYNCH: Okay. But paragraph eight will
3 be done easily by the 24th or well before that.

4 JUDGE SIPPEL: Well, wait a minute. What
5 about the 24th? I'm talking about July 16th.

6 MR. LYNCH: I'm sorry. The written proffer
7 you gave me until the 21st --

8 JUDGE SIPPEL: Yes.

9 MR. LYNCH: -- referencing the initial
10 decision of Judge Coleman.

11 JUDGE SIPPEL: That's that. But I'm talking
12 about -- the important thing is this week. This week
13 is a very critical week for you and for everybody else
14 in this case.

15 MR. LYNCH: These documents will be there by
16 the end of the 16th.

17 JUDGE SIPPEL: All right. Did I set a time
18 on that? Did I set any time during the day?

19 MR. LYNCH: You didn't, Your Honor.

20 JUDGE SIPPEL: Because there were two orders.
21 I believe there was a --

22 MR. LYNCH: The order released July 6th,
23 there was no time, "Exchanging documentary exhibits for
24 sworn testimony is extended for all parties to July 16,
25 1992."

1 JUDGE SIPPEL: Yes. But I did have a -- but
2 I might have a time in the earlier order, the earlier -
3 - because it should have tied in with an earlier
4 ruling. Okay. Just a second. "The exchange of all
5 documentary exhibits by 4:00 p.m."

6 I'm looking at 92M-381.

7 MR. LYNCH: Pardon?

8 JUDGE SIPPEL: I'm looking at my order 92M-
9 381. All right? That was released on March 26th.
10 That's where I set the date for July 9th. On the July
11 9th date I had a 4:00 p.m. delivery time during the
12 day. So I'll stay with the 4:00 p.m. time, unless you
13 all want to agree to a later time.

14 MR. LYNCH: I should be sending my exhibits
15 out tomorrow, Federal Express afternoon delivery. So
16 there should be no problem whatsoever.

17 JUDGE SIPPEL: All right. I'm going to stay
18 then -- as far as I'm concerned, as far as my order is
19 concerned, you're obligated to deliver those documents,
20 document exchange documents, by 4:00 p.m. on this
21 Thursday, July 16th.

22 MR. TILLOTSON: May I make a suggestion?

23 JUDGE SIPPEL: Yes, you may.

24 MR. TILLOTSON: I don't know what the Federal
25 Express commitments are, but it seems that if Mr. Lynch

1 is trying to save a couple of dollars by afternoon
2 delivery, where if he goes with their priority delivery
3 it will be guaranteed that they are here by 4:00.

4 If he wants to save a few dollars, and in the
5 process we end up getting the documents late or at the
6 close of business that day, I'm going to take the order
7 the way it stands, and I'm going to oppose anything
8 that I don't get by 4:00.

9 So I'm warning him not to try to save a few
10 bucks with Federal Express, because Federal Express --
11 if he gets it out tomorrow, we'll have it by 9:00 or
12 10:00 in the morning under their priority category.

13 JUDGE SIPPEL: All right. Well, okay. Mr.
14 Tillotson is going to stick to the letter of the law on
15 this one. As I say, anything that you all work out
16 amongst yourself is fine with me. But since it's not
17 going to be worked out amongst yourselves, you have a
18 4:00 p.m. deadline on July 16th.

19 MR. LYNCH: Okay. I think I'll spend the
20 extra dollars then, Your Honor.

21 JUDGE SIPPEL: All right. Get it -- you
22 don't have to do it for me. If I get these things on
23 Friday, I don't care. It's Mr. Tillotson, Ms. Laden,
24 and Mr. Schonman that you have to be concerned about
25 for Thursday.